



533 Rec PCT/PTO 10 SEP 2001  
Atty's Dkt: HINZE1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of: ) Application Division  
GILBERT HINZE ) ATTN: PCT  
Serial No.: 09/830,088 ) Washington, D.C.  
IA Filing Date: April 23, 2001 ) Confirmation No.  
For: BACTERIAL TREATMENT OF FOOD... ) September 10, 2001

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC  
'371

HON. COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

The present communication is in response to the "NOTIFICATION OF MISSING REQUIREMENTS..." dated May 21, 2001.

- [XX] Attached hereto is an executed oath or declaration in compliance with 37 C.F.R. 1.63, identifying the present application by title, PCT information, serial number and priority information.
- [XX] Applicant claims small entity status. See CR 1.27.
- [ ] Preliminary Amendment and Statements in Support of Filing and Submissions in Accordance with 37 C.F.R. '1.821-1.825, Sequence Listing (hardcopy), and computer-readable form of Sequence Listing.
- [ ] An Information Disclosure Statement with 1449 and references is also attached.
- [ ] A Preliminary Amendment
- [ ] An exact English language translation of the PCT application as originally filed.
- [ ] Other documents: \_\_\_\_\_
- [ ] Surcharge for late filing of English translation \$ 130.00
- [XX] Surcharge for late filing of the Declaration was paid on April 23, 2001, by credit card.
- [ ] Surcharge for late filing of the Declaration in the amount of:
- |              |                         |
|--------------|-------------------------|
| Small Entity | Other than Small Entity |
| [X] \$65.00  | [ ] \$130.00            |
- [ ] It is hereby petitioned for an extension of time in accordance with 37 C.F.R. 1.136(a). The appropriate fee required by 37 C.F.R. 1.17 is calculated as shown below:
- |                             |                             |
|-----------------------------|-----------------------------|
| Small Entity                | Other Than Small Entity     |
| Response Filed Within       | Response Filed Within       |
| [ ] First - \$ 55.00        | [ ] First - \$ 110.00       |
| [XX] Second - \$ 195.00     | [ ] Second - \$ 390.00      |
| [ ] Third - \$ 445.00       | [ ] Third - \$ 890.00       |
| [ ] Fourth - \$ 695.00      | [ ] Fourth - \$1,390.00     |
| Month After Time Period Set | Month After Time Period Set |

- [XX] Conditional Petition for Extension of Time:  
If any extension of time for a response is required, applicant requests that this be considered a petition therefor.
- [XX] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$195.00 to cover the above fees.

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[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

(202) 628-5197

By:

*Sheridan Neimark*  
Sheridan Neimark  
Registration No. 20,520

SN:sfg

**Combined Declaration for Patent Application and Power of Attorney**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**BACTERICIDAL TREATMENT OF FOOD STORAGE CONTAINERS BY USING ELECTROCHEMICALLY ACTIVATED BACTERICIDAL AQUEOUS SOLUTION**

the specification of which (check one)

- [ ] is attached hereto;  
 [ ] was filed in the United States under 35 U.S.C. §111 on \_\_\_\_\_, as U.S. Appl. No. \_\_\_\_\_\*; or  
 [X] was filed in the U.S. under 35 U.S.C. §371 by entry into the U.S. national stage of an international (PCT) application, PCT/IB99/01700; filed 18 October 1999, entry requested on April 23, 2001\*; national stage application received U.S. Appl. No. \_\_\_\_\_\*; §371/§102(e) date \_\_\_\_\_\* (\* if known)

and was amended on April 23, 2001 (if applicable).

(include dates of amendments under PCT Art. 19 and 34 if PCT)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and I acknowledge the duty to disclose to the Patent and Trademark Office (PTO) all information known by me to be material to patentability as defined in 37 C.F.R. §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119 (a)-(d) and 365 (b) of any prior foreign application(s) for patent or inventor's certificate, or §365(a) of any prior PCT application(s) designating a country other than the U.S., listed below with the "Yes" box checked, and have also identified below, by checking the "No" box, any foreign application for patent or inventor's certificate or PCT international application having a filing date before that of the application on which priority is claimed:

<u>98/4418</u>	<u>South Africa</u>	<u>23 October 1998</u>	[X]	[ ]
(Number)	(Country)	(Day Month Year Filed)	YES	NO
<u>          </u>	<u>          </u>	<u>          </u>	[ ]	[ ]
(Number)	(Country)	(Day Month Year Filed)	YES	NO

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional applications listed below:

<u>          </u>	<u>          </u>
(Application No.)	(Day Month Year Filed)
<u>          </u>	<u>          </u>
(Application No.)	(Day Month Year Filed)

I hereby claim the benefit under 35 U.S.C. §120 of any prior U.S. non-provisional application(s) or under §365(c) of any prior PCT international application(s) designating the U.S., listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such U.S. or PCT international application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the PTO all information which is material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>          </u>	<u>          </u>	<u>          </u>
(Application No.)	(Day Month Year Filed)	(Status: patented, pending, abandoned)
<u>          </u>	<u>          </u>	<u>          </u>
(Application No.)	(Day Month Year Filed)	(Status: patented, pending, abandoned)

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

All of the practitioners associated with Customer Number 001444

Direct all correspondence to the address associated with Customer Number 001444, which is presently:

**BROWDY AND NEIMARK, P.L.L.C.**  
624 Ninth Street, N.W.  
Washington, D.C. 20001-5303  
(202) 628-5197

The undersigned hereby authorizes the U.S. Attorneys or Agents appointed herein to accept and follow instructions from D.M. KISCH INC. as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. Attorneys or Agents and the undersigned. In the event of a change of the persons from whom instructions may be taken, the U.S. Attorneys or Agents appointed herein will be so notified by the undersigned.

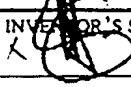
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Title: BACTERICIDAL TREATMENT OF FOOD STORAGE CONTAINERS BY USING ELECTROCHEMICALLY ACTIVATED BACTERICIDAL AQUEOUS SOLUTION

U.S. Application filed April 23, 2001, Serial No. \_\_\_\_\_

PCT Application filed October 18, 1999, Serial No. PCT/IB99/01700

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1-00 FULL NAME OF FIRST INVENTOR <u>Gilbert Theo HINZE</u>		INVENTOR'S SIGNATURE 	DATE <u>30.08.01</u>
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RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF THIRD JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF FOURTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF FIFTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF SIXTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			
FULL NAME OF SEVENTH JOINT INVENTOR		INVENTOR'S SIGNATURE	DATE
RESIDENCE		CITIZENSHIP	
POST OFFICE ADDRESS			